

Annex 46

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United Nations

S/RES/2046 (2012)



Security Council

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Resolution 2046 (2012)

**Adopted by the Security Council at its 6764th meeting, on
2 May 2012**

The Security Council,

Recalling its previous resolutions and statements on the situation in Sudan and South Sudan, in particular resolutions 1990 (2011), 2024 (2011) and 2032 (2011), and its Presidential Statements of 6 March 2012 and 12 April 2012, and *further recalling* the priority it attaches to the full and urgent advancement of all outstanding issues from the Comprehensive Peace Agreement,

Reaffirming its strong commitment to the sovereignty, independence, unity, and territorial integrity of Sudan and South Sudan, and to the purposes and the principles of the United Nations Charter,

Noting paragraph 7 of the 24 April 2012 decision of the Peace and Security Council of the African Union at its 319th meeting, and *reiterating* that the territorial boundaries of states shall not be altered by force, and that any territorial disputes shall be settled exclusively by peaceful means,

Recalling the importance of the principles of the peaceful settlement of international disputes, good neighbourliness, non-interference and regional cooperation,

Deeply committed to seeing Sudan and South Sudan become two economically prosperous states living side-by-side in peace, security, and stability, and *underlining* the importance of building mutual trust, confidence and an environment conducive to long-term stability and economic development,

Condemning the repeated incidents of cross-border violence between Sudan and South Sudan, including troop movements, the seizure and occupation of Heglig, support to proxy forces, and Sudanese Armed Forces aerial bombardments,

Condemning actions by any armed group aimed at the forced overthrow of the government of either Sudan or South Sudan,

Expressing deep concern at the humanitarian situation created by the fighting between Sudan and South Sudan, and the continued fighting in the states of Southern Kordofan and Blue Nile, in Sudan,

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Strongly condemning all acts of violence committed against civilians in violation of international humanitarian law and human rights law,

Welcoming the withdrawal from Heglig of the army of South Sudan and *calling* for the immediate cessation of aerial bombardments by the Sudanese Armed Forces against South Sudan,

Strongly condemning the violations of human rights of non-combatants in the affected area, the damage to economic infrastructure, in particular oil installations, and all inflammatory statements, which result in mutual demonization and the threat of hostile action by extremist elements, including xenophobic attacks,

Calling for an impartial fact finding effort to assess the losses and economic and humanitarian damage, including to oil facilities and other key infrastructure, in and around Heglig,

Expressing deep concern at the fate of the nationals of both countries resident in each other's territory, following the end of the transition period that occurred on 8 April 2012,

Recalling the June 29, 2011 Agreement Between the Government of the Sudan and the Government of Southern Sudan on Border Security and the Joint Political and Security Mechanism, taking note of the commitment in Paragraph 2 to create a safe demilitarized border zone (SDBZ), and the July 30, 2011 Agreement on the Border Monitoring Support Mission Between the Government of Sudan and the Government of South Sudan, which elaborates on the establishment of a Joint Border Verification and Monitoring Mechanism (JBVMM) with an area of responsibility corresponding to the SDBZ, and a Joint Political and Security Mechanism (JPSM),

Recognizing the urgent need for Sudan and South Sudan to commence the process of border demilitarization,

Deploring the failure of Sudan and South Sudan security forces to redeploy from the Abyei Area in accordance with their Agreement of June 20, 2011 and resolution 1990 (2011),

Convinced that there can be no military solution to the conflict in Southern Kordofan and Blue Nile, and *stressing* the urgent need for a political and negotiated solution, based on respect for diversity in unity,

Reaffirming its previous resolutions 1674 (2006) and 1894 (2009) on the protection of civilians in armed conflict, 1612 (2006), 1882 (2009), and 1998 (2011) on children and armed conflict, 1502 (2003) on the protection of humanitarian and United Nations personnel, and 1325 (2000), 1820 (2008), 1888 (2009), 1889 (2009) and 1960 (2010) on women, peace and security,

Welcoming the continuing efforts of the African Union to support Sudan and South Sudan in addressing the legacy of conflict and bitterness in Sudan, notably through the conclusion of the January 2005 Comprehensive Peace Agreement (CPA), its implementation, in particular the holding of the referendum on self-determination of South Sudan, and the negotiations on post-secession relations,

Commending the efforts of the AU High-level Implementation Panel, including its Chairman President Thabo Mbeki, former Presidents Abdulsalami Abubakar and Pierre Buyoya, the Chairperson of the Intergovernmental Authority on

Development, Ethiopian Prime Minister Meles Zenawi, the Special Envoy of the Secretary-General for Sudan and South Sudan, Haile Menkerios, and the United Nations Interim Security Force for Abyei (UNISFA) under the leadership of Lieutenant General Tesfay Tadesse,

Expressing its full support for the 24 April 2012 decision of the Peace and Security Council of the African Union at its 319th meeting on the situation between the Republic of Sudan and the Republic of South Sudan, in order to ease the current tension, facilitate the resumption of negotiations on post-secession relations and the normalization of their relations, including, in particular the Roadmap outlined in that decision,

Determining that the prevailing situation along the border between Sudan and South Sudan constitutes a serious threat to international peace and security,

Acting under Chapter VII of the Charter of the United Nations,

1. *Decides* that Sudan and South Sudan shall take the following actions with immediate effect unless otherwise specified below:

(i) Immediately cease all hostilities, including aerial bombardments, with the parties formally conveying their commitment in this respect to the Chairperson of the African Union Commission and the President of the Security Council not later than 48 hours from the adoption of this resolution;

(ii) Unconditionally withdraw all of their armed forces to their side of the border, in accordance with previously adopted Agreements, including the Agreement on the Border Monitoring Support Mission of 30 July 2011;

(iii) Activate, within no more than a week of the adoption of this resolution, the necessary border security mechanisms, namely the Joint Border Verification and Monitoring Mechanism (JBVMM) and the Safe Demilitarized Border Zone (SDBZ), in accordance with the administrative and security map presented to the Parties by the AUHIP in November 2011, it being understood that this map in no way prejudices ongoing negotiations on the disputed areas and demarcation of the border;

(iv) Cease the harbouring of, or support to, rebel groups against the other State;

(v) Activate the ad hoc Committee, under the Joint Political and Security Mechanism, to receive and investigate complaints and allegations made by one party against the other;

(vi) Immediately cease hostile propaganda and inflammatory statements in the media, as well as any attacks against the property, religious and cultural symbols belonging to the nationals of the other State, with the two governments assuming full responsibility for the protection of each other's nationals in line with international principles, consistent with the Framework Agreement on the Status of Nationals of the Other State and Related Matters initialled in March 2012;

(vii) Implement pending aspects of the 20 June 2011 Agreement on Temporary Security and Administrative Arrangements for the Abyei Area, in particular the redeployment, within no more than two weeks of the adoption of this resolution, of all Sudanese and South Sudanese forces out of the Abyei Area;

2. *Decides* that Sudan and South Sudan shall unconditionally resume negotiations, under the auspices of the AUHIP and with the support of the Chairman of IGAD, at a time to be set by the AUHIP in consultation with relevant international partners, but within no more than two weeks from the time of adoption of this resolution, to reach agreement on the following critical issues:

- (i) Arrangements concerning oil and associated payments;
- (ii) The status of nationals of one country resident in the other, consistent with the Framework Agreement on the Status of Nationals of the Other State and Related Matters initialled in March 2012;
- (iii) Resolution of the status of the disputed and claimed border areas and the demarcation of the border; and
- (iv) The final status of the Abyei Area;

3. *Decides* that the Government of Sudan and the SPLM-North shall extend full cooperation to the AUHIP and the Chair of IGAD, to reach a negotiated settlement on the basis of the June 28, 2011 Framework Agreement on Political Partnership between NCP and SPLM-N and Political and Security Arrangements in Blue Nile and Southern Kordofan States;

4. *Strongly urges* Sudan and the SPLM-N to accept the tripartite proposal submitted by the African Union, the United Nations and the League of Arab States, to permit humanitarian access to the affected population in the two areas, ensuring in accordance with applicable international law, including applicable international humanitarian law, and guiding principles of emergency humanitarian assistance, the safe, unhindered and immediate access of United Nations and other humanitarian personnel, as well as the delivery of supplies and equipment, in order to allow such personnel to efficiently perform their task of assisting the conflict-affected civilian population;

5. *Decides* that the negotiations referred to in paragraph 2 above shall be concluded within three months of the adoption of this resolution, and in the event these negotiations fail to result in an agreement on any or all of the issues within the allotted timeframe of three months, *requests* the Secretary-General, in consultation with the AUHIP, the Chair of IGAD, and the Chairman of the AU Commission, to report within four months of the date of this resolution to the Security Council on the status of the negotiations, including detailed proposals on all outstanding issues;

6. *Requests* the Secretary-General to consult with the African Union on the implementation of this resolution and the decisions of the AU PSC, to work closely with the AUHIP in support of its facilitation efforts, and to inform the Security Council within 15 days and in two week intervals thereafter on the status of compliance by Sudan, South Sudan, and the SPLM-N with the decisions set forth in this resolution, and *expresses its intention*, in the event that any or all of the parties have not complied with the decisions set forth in this resolution, to take appropriate additional measures under Article 41 of the Charter as necessary;

7. *Calls upon* all parties to promote and protect human rights, including those of women and people belonging to vulnerable groups, to comply with their obligations under international law, including international humanitarian and international human rights law, and *calls for* those responsible for serious violations of such law, including sexual violence, to be held accountable;

8. *Commends* the efforts by UNISFA in carrying out its mandate, *expresses* its deep appreciation for the work of the Force Commander and the troop-contributing countries, and *expresses its intention* to evaluate the mandate of UNISFA in the context of compliance by Sudan and South Sudan with the decisions set forth in this resolution, and with the fulfilment of their commitments as set out in the June 20, June 29, and July 30, 2011 Agreements;

9. *Stresses* the importance of, and the need to restore, a comprehensive, just and lasting peace between Sudan and South Sudan;

10. *Decides* to remain actively seized of this matter.

Footnote 47 & 48

UNSC Report 486 (26 June 2012) UN Doc S/2012/486, paras. 26 & 27.

For document see tab 37